## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-95-MOC

JAMES DALRYMPLE,	)	
Plaintiff,	)	
v.	) ) )	R
KILOLO KIJIKAZI,	) <u>ORDE</u> )	K
<b>Acting Commissioner</b>	)	
of Social Security,	)	
	)	
Defendant.	)	

**THIS MATTER** is before the Court on Plaintiff's Petition for Attorney Fees Under the Equal Access to Justice Act. (Doc. No. 13). Plaintiff petitions for an award of attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,300.00. Defendant has consented to this motion.

## **ORDER**

IT IS ORDERED that Plaintiff's motion is GRANTED. The United States Social Security Administration shall pay attorney's fees in the amount of \$5,300.00 in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the EAJA.

Pursuant to the United States Supreme Court's holding in <u>Astrue v. Ratliff</u>, 130 S. Ct. 2521 (2010), attorney's fees are payable to Plaintiff as the prevailing party subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff owes to the government. If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of

Plaintiff's counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, James Dalrymple, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

SO ORDERED.

Signed: November 20, 2023

Max O. Cogburn J.

United States District Judge

2